

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                        |   |                                       |
|------------------------|---|---------------------------------------|
| BILLY BRANTLEY, et al. | : | Case No. C-1-01-378                   |
|                        | : |                                       |
| Plaintiffs,            | : | Judge Susan J. Dlott                  |
|                        | : |                                       |
| vs.                    | : |                                       |
|                        | : |                                       |
| CINERGY CORP.          | : | <u>AFFIDAVIT OF RICHARD G. BEACH,</u> |
|                        | : | <u>ESQ.</u>                           |
| Defendant.             | : |                                       |
|                        | : |                                       |

STATE OF OHIO                    )  
  )ss.  
COUNTY OF HAMILTON        )

Comes now affiant, Richard G. Beach, Esq., after being duly cautioned and sworn,  
deposes and states as follows:

1. That I am presently employed by Cinergy Services, Inc. in the position of  
Counsel in the Legal Department.

2. That I reviewed and am familiar with the corporate records in relation to  
the corporate structure of Cinergy Corp. ("Cinergy"), The Cincinnati Gas & Electric  
Company ("CG&E"), PSI Energy, Inc. ("PSI"), and Cinergy Services, Inc. ("Services").

3. That the corporate records are business records which were made at or  
near the time by, or from information transmitted by a person with knowledge in the  
course of regularly conducted business activities and kept in the course of the regularly  
conducted business activities.

4. That Cinergy was incorporated under the laws of the State of Delaware on

June 30, 1993.

5. That CG&E was incorporated under the laws of the State of Ohio on April 3, 1837.

6. That PSI was incorporated under the laws of the State of Indiana on September 6, 1941.

7. That Services was incorporated under the laws of the State of Delaware on February 23, 1994.

8. That Cinergy is not a public utility company formed and existing under the laws of the State of Ohio.

9. That Cinergy is a public utility holding company (as defined under the Public Utility Holding Company Act of 1935).

10. That as a result of two mergers on October 24, 1994, PSI and CG&E each became wholly-owned subsidiaries of Cinergy.

11. That the regulated public utility companies of Cinergy include (1) CG&E which provides retail electric and natural gas services and operates in Ohio; (2) The Union Light, Heat & Power Company ("ULH&P") which provides retail electric and natural gas services and operates in Kentucky; and (3) PSI which provides retail electric and operates in Indiana.

12. That each of the above-mentioned regulated public utility companies was separately and independently incorporated.

13. That Services, a Delaware corporation, was formed on February 23, 1994.

14. That I have firsthand knowledge of the above.

FURTHER AFFIANT SAYETH NAUGHT.

August 30, 2004  
Dated

Richard G. Beach  
Richard G. Beach, Esq.

NOTARY OF PUBLIC

Sworn to and subscribed in my presence this 30<sup>th</sup> day of August, 2004.

Julie M. Thompson  
Notary Public

JULIE M. THOMPSON  
Notary Public, State of Ohio  
My Commission Expires Nov 19 2005

Respectfully submitted,

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*Attorneys for Defendant  
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**CERTIFICATE OF SERVICE**

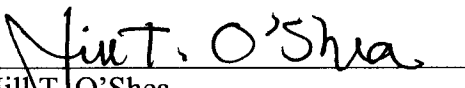
I certify that a copy of the foregoing pleading was served via ordinary mail this 29th day  
of ~~August~~, 2004 to:  
September

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